

HOUSE No. 2362

By Mr. Petruccelli of Boston, petition of Anthony Petruccelli and others relative to the recording of firearm sales, rental and leases in the Commonwealth. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Anthony Petruccelli	Willie Mae Allen
Thomas M. Menino	Kevin G. Honan
Jarrett T. Barrios	Steven A. Tolman
Elizabeth A. Malia	Gloria L. Fox
Michael F. Rush	Kay Khan

In the Year Two Thousand and Seven.

AN ACT TO FURTHER ENHANCE PUBLIC SAFETY IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1.

8000-0110	For the creation and maintenance of an electronic database system to be made available to every licensed dealer for the purpose of recording firearm sales, rentals and leases in the Commonwealth	2,000,000
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1 SECTION 2. Section 123 of Chapter 140 of the General Laws,
2 as appearing in the 2004 Official Edition, is hereby amended by
3 striking the third and fourth sentences and inserting in place
4 thereof the following:—

5 “Second, that person who is engaged in the business of selling,
6 renting or leasing firearms, rifles or shotguns shall, at the time of
7 delivery of a firearm, record a true, accurate entry in a statewide
8 electronic database to be furnished by the executive director of the
9 criminal history systems board and to be kept for that purpose,
10 specifying the complete description of the firearm, rifle or
11 shotgun, including the make, serial number, if any, type of

12 firearm, rifle or shotgun, and designation as a large capacity
13 weapon, if applicable, whether sold, rented or leased, the date of
14 each sale, rental or lease, the license to carry firearms number or
15 permit to purchase number and the identification card number in
16 the case of a firearm or the identification card number or the
17 license to carry firearms number in the case of a rifle or shotgun,
18 the name, the sex, residence and occupation of the purchaser,
19 renter or lessee. Said person shall also record the sale of all
20 ammunition in the same manner. In addition, said purchaser,
21 renter or lessee shall before delivery, as aforesaid, personally
22 record his electronic signature as having received said firearm.
23 Said person engaged in the business of selling, renting and leasing
24 firearms shall verify the purchaser's information and ability to
25 possess a firearm in the electronic database prior to completing
26 any such sale, rental or lease. Said electronic record shall be open
27 at all times to the inspection of the local or state police depart-
28 ments.”

1 SECTION 3. Section 123 of Chapter 140, as so appearing, is
2 hereby amended by inserting in Clause Eighth after the words
3 “Eighth, that no firearm” the following:— “or ammunition for
4 such firearm”; and by inserting after the words “rifle or shotgun”
5 the following:— “or ammunition for such firearm”; by inserting
6 after the words “that no large capacity firearm nor large capacity
7 feeding device” the following:— “or ammunition”; and by
8 inserting after the words “no machine gun” the following:— “or
9 ammunition for such firearm”.

1 SECTION 4. Section 123 of Chapter 140, as so appearing, is
2 hereby amended by adding at the end of the fifth paragraph the
3 following:—

4 “Under no circumstances shall a sale or transfer of such
5 firearms, rifles, shotguns, machine guns or ammunition occur out-
6 side the physical building of said collectors club or gun show that
7 would not meet the conditions for sale or transfer as set forth in
8 the above-mentioned sections.”

1 SECTION 5. Section 121 of Chapter 140, as so appearing, is
2 hereby amended by inserting after the second paragraph the
3 following new paragraphs:—

4 “Armor Piercing Ammunition”, shall be defined as: (a) a pro-
5 jectile or projectile core which may be used in a handgun and
6 which is constructed entirely (excluding the presence of traces of
7 other substances) from one or a combination of tungsten alloys,
8 steel, iron, brass, bronze, beryllium copper, or depleted uranium;
9 or (b) a full jacketed projectile larger than .22 caliber designed
10 and intended for use in a handgun and whose jacket has a weight
11 of more than 25 percent of the total weight of the projectile.

12 The term “armor piercing ammunition” does not include
13 shotgun shot required by Federal or State environmental or game
14 regulations for hunting purposes or ammunition designed for
15 target shooting.”

16 Section 128 of said Chapter is further amended by inserting in
17 the first sentence after the words “shotgun” the following:—
18 “, armor- piercing ammunition”;

19 and by inserting in the second paragraph after the words
20 “attempted to sell” the following:— “armor-piercing ammunition
21 or”

22 Section 131 of said Chapter is hereby further amended by
23 inserting in Clause (o) after the words “machine gun” the
24 following:— “or armor-piercing ammunition”;

25 and by inserting after the words “may issue a machine gun” the
26 following:— “or armor-piercing ammunition”

27 Section 10 of Chapter 269 of the General Laws, as so
28 appearing, is hereby amended by inserting in the first sentence of
29 clause (c) after the words “machine gun” the following:— “or
30 armor-piercing ammunition”.

1 SECTION 6. Section 10 of Chapter 269 of the General Laws,
2 as so appearing, is hereby amended by inserting at the end of
3 clause (d) the following:—

4 “Whoever, after having been convicted of any offense resulting
5 in incarceration of one year or more in the state prison, further
6 commits an offense set forth in paragraph (a), (b) or (c), may be
7 punished by imprisonment in the state prison for not less than
8 three years nor more than five years; for a third such offense, by

9 imprisonment in the state prison for not less than five years nor
10 more than seven years; and for a fourth such offense, by imprison-
11 ment in the state prison for not less than seven years nor more
12 than ten years. Said additional sentencing shall be subject to the
13 discretion of the presiding judicial authority.”

1 SECTION 7. Clause (a) of Section 10 of Chapter 269 of the
2 General Laws, as so appearing, is hereby amended by inserting in
3 clause (a) after the words “loaded or unloaded” the following:—
4 “or ammunition”.

1 SECTION 8. Chapter 269 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by deleting
3 Section 11E and inserting the following new section:—
4 Chapter 269: Section 11E. Serial identification numbers on
5 firearms.

6 Section 11E.

7 (A) All firearms, rifles and shotguns of new manufacture, man-
8 ufactured or delivered to any licensed dealer within the common-
9 wealth shall bear serial numbers permanently inscribed on a
10 visible metal area of said firearm, rifle or shotgun, and the manu-
11 facturer of said firearm, rifle or shotgun shall keep records of said
12 serial numbers and the dealer, distributor or person to whom the
13 firearm, rifle or shotgun was sold or delivered.

14 No licensed dealer shall order for delivery, cause to be deliv-
15 ered, offer for sale or sell within the commonwealth any newly
16 manufactured firearm, rifle or shotgun received directly from a
17 manufacturer, wholesaler or distributor not so inscribed with a
18 serial number nor shall any licensed manufacturer or distributor of
19 firearms, rifles or shotguns deliver or cause to be delivered within
20 the commonwealth any firearm, rifle or shotgun not complying
21 with this section.

22 No licensed manufacturer within the commonwealth shall pro-
23 duce for sale within the United States, its territories or possessions
24 any firearm, rifle or shotgun not complying with paragraph one of
25 this section. Whoever violates this section shall be punished by a
26 fine of five hundred dollars. Each such violation shall constitute a
27 separate offense.

28 (B) All semiautomatic firearms as defined in Chapter 140
29 Section 21 manufactured or delivered to any licensed dealer
30 within the commonwealth shall be capable of microstamping
31 ammunition.

32 (C) For purposes of subparagraph (B), a firearm is capable of
33 microstamping ammunition if —

34 (i) a microscopic array of characters that identify the make,
35 model, and serial number of the of the firearm is etched into the
36 breech face and firing pin of the firearm; and

37 (ii) when ammunition is fired from the firearm, the characters
38 are copied from the breech face and firing pin onto the cartridge
39 case of the ammunition.

40 (D) Subparagraph (B) shall apply only to semiautomatic
41 firearms which —

42 (i) are manufactured, or imported into the Commonwealth on or
43 after the effective date of this subsection; and

44 (ii) have not been transferred to a person not licensed under
45 Chapter 140 of the general laws.

46 (D) Whoever violates paragraph (B) shall be fined an amount
47 equal to —

48 (i) in the case of a first such violation by the violator, \$1,000
49 multiplied by the number of firearms involved in the violation;

50 (ii) in the case of a second violation by the violator, \$2,000
51 multiplied by the number of firearms involved in the violation;

52 (iii) in the case of a third such violation by the violator, \$3,000
53 multiplied by the number of firearms involved in the violation.

54 (E) The effective date of this act shall be January 1, 2009.

1 SECTION 9. Section 25 of Chapter 279 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking out, in lines 1 and 2, the words “and committed to prison”

4 Said section is hereby further amended by striking out, in
5 lines 2 and 3, the words “or once in this and once or more in
6 another state, for terms of not less than three years each”.

7 Said section is hereby further amended by inserting in the first
8 sentence after the word “state”, the following words:— “or in any
9 federal jurisdiction”.